

HOUSE BILL NO. 498

INTRODUCED BY V. SMALL-EASTMAN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE GOVERNING BODY OF A MUNICIPALITY TO ENACT AN ORDINANCE TO PROHIBIT THE USE OF AN ENGINE COMPRESSION BRAKE DEVICE WITHIN THE JURISDICTION OF THE MUNICIPALITY; AMENDING SECTION 61-9-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-321, MCA, is amended to read:

"61-9-321. Engine compression brake device -- use. (1) A commercial motor vehicle, as defined in 61-1-134, equipped with an engine compression brake device must be equipped with a muffler in good working condition to prevent excessive noise.

(2) ~~An~~ Except as provided in subsection (3), an operator of a commercial motor vehicle that has an engine compression brake device with a factory-installed muffler or an equivalent after-market muffler may not be prohibited from using the engine compression brake device.

(3) The governing body of a municipality may enact a local ordinance prohibiting the use of an engine compression brake device within the jurisdiction of the municipality."

NEW SECTION. Section 2. Effective date -- applicability. [This act] is effective on passage and approval and applies to a municipal ordinance prohibiting the use of an engine compression brake device enacted on or after [the effective date of this act].

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